

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
HEATHER KATHLEEN MCAVOY-MICELI,

Plaintiff,

23 CIVIL 5969 (KPF)(OTW)

-v-

JUDGMENT

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated April 9, 2024, that the final decision of the Commissioner be reversed, and the above-captioned action be remanded to the Commissioner of Social Security for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). The parties further agree that, upon remand, the agency will instruct the administrative law judge to: 1) re-assess Plaintiff's statements concerning her symptoms from her severe and non-severe impairments and their effect on her mental and physical functional limitations in accordance with 20 C.F.R. §404.1529 and Social Security Ruling (SSR) 16-3p; 2) further evaluate Plaintiff's residual functional capacity taking into account the effects of all Plaintiff's severe and non-severe impairments in accordance with 20 C.F.R. § 404.1545 and (SSR) 96-8p, including, if warranted, by further evaluating the medical evidence in accordance with the relevant regulations; 3) take further action to complete the administrative record resolving these issues; and, 4) issue a new decision.

Dated: New York, New York

April 10, 2024

RUBY J. KRAJICK
Clerk of Court

BY:



Deputy Clerk